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Pr. (N. Y.) 97; see *Waterhouse v. Waterhouse*, 206 Pa. St. 433. As the Iowa statute provides quite absolutely that such an action on the ground of fraud must be brought within five years after the cause accrues, the principle of the present case seems insupportable. IOWA CODE, §§ 3447, 3448, 3453.

**MARRIAGE — CREATION OF THE RELATION — COMMON LAW MARRIAGE AS AFFECTING BIGAMY.** — Thé defendant, having entered into a common law marriage, was later married to another woman. *Held*, that the common law marriage supports an indictment for bigamy. *State v. Thompson*, 68 Atl. 1068 (N. J., Sup. Ct.).

For a discussion of the principles involved, see 20 HARV. L. REV. 576.

**MUNICIPAL CORPORATIONS — GOVERNMENTAL POWERS AND FUNCTIONS — TAX LEVIED TO REIMBURSE OFFICERS FOR EXPENSES OF PRIVATE LITIGATION.** — A petition was brought to restrain the payment of money by a town to reimburse its officers, who had been subjected to suits for damages by reason of arrests made for violation of the liquor law. *Held*, that the town is impliedly authorized to appropriate money for this purpose. *Leonard v. Inhabitants of Middleborough*, 84 N. E. 323 (Mass.). See NOTES, p. 625.

**NUISANCE — RECOVERY OF DAMAGES — RECOVERY BY ONE HAVING NO RIGHTS IN PROPERTY AFFECTED.** — Through the negligence of the defendant the water supply used in the plaintiff's hospital became infected and the plaintiff paid damages to patients injured thereby. The plaintiff, who had neither proprietary interest in, nor license to use, the water, sued the defendant for reimbursement. *Held*, that the plaintiff can recover. *Fergusson v. Malvern Urban District Council*, 72 J. P. 101 (Eng., K. B. D., Jan. 1908).

The authorities are divided on the question whether the plaintiff, to maintain an action on the case for nuisance affecting property rights, must himself have a proprietary interest in the property. But since all admit that if one has such an interest he can recover for an injury to his health alone, it seems more logical to allow an action irrespective of the property rights of the plaintiff. *Fort Worth Ry. Co. v. Glenn*, 97 Tex. 586; *contra*, *Ellis v. Kansas City R. R. Co.*, 63 Mo. 131. Though the plaintiff here had no right to have the flow of water continued, yet he was wronging no one in using it. It is true that he has not suffered physically, but only financially. But a man has been held liable for damages suffered by loss of custom to a boarding-house caused by his introducing contagious disease. *Smith v. Baker*, 20 Fed. 709. It seems, then, that the present case is right; for the plaintiff acting legally has been greatly injured through the negligence of the defendant in causing the spread of a dangerous disease, and there appears to be no just ground for refusing relief.

**PAYMENT — APPLICATION — APPLICATION OF PAYMENT BY CREDITOR TO DEBT BARRED BY STATUTE OF LIMITATIONS.** — A creditor holding two claims against a debtor, one of which was barred by the statute of limitations, applied a payment to the barred claim. *Held*, that the payment must be considered to have been made on the enforceable claim. *Charles v. Stewart*, 11 Ont. Wkly. Rep. 421 (Ont., Fifth Div. Ct., Jan. 2, 1908). See NOTES, p. 623.

**RESTRAINT OF TRADE — STATE ANTI-TRUST LEGISLATION — COMBINATION OF PUBLIC SERVICE COMPANIES.** — The New York Stock Corporation Law provides that "no corporation shall combine with any corporation or person for the creation of a monopoly or the unlawful restraint of trade or for the prevention of competition in any necessity of life." Under the Code of Civil Procedure, § 1798, the attorney-general applied to the court for leave to bring an action against the Consolidated Gas Company which, for the purpose of securing a monopoly, had purchased a controlling interest in the other companies supplying gas and electric light to the city of New York. *Held*, that permission is denied. *In the Matter of the Application of the Attorney-General*, 39 N. Y. L. J. 19 (N. Y., App. Div., Feb. 1908).

The court reasoned that this consolidation did not constitute an illegal mo-

monopoly, since the company was a public service corporation and therefore could not arbitrarily regulate the production or the price of its product. The decision involves a comparatively new and important limitation on the force of anti-trust legislation. In the interpretation of the Sherman Act the courts have strictly forbidden the substitution of monopoly for competition whether by public service or by private corporations, and regardless of the effect of the monopoly upon prices or rates. *United States v. Freight Ass'n*, 166 U. S. 290; see *United States v. Swift & Co.*, 122 Fed. 529. State legislation has been similarly construed, and a consolidation of gas companies has been declared illegal. *People v. Chicago Gas Trust Co.*, 130 Ill. 268. And it was recently decided that the New York law precluded the consolidation of the street railways of the city of New York. *Burrows v. Interborough, etc., Co.*, 156 Fed. 389. The result of the present decision, however, is reached by a few courts which construe similar legislation as applicable only to combinations inimical to public welfare. *Yazoo, etc., Ry. Co. v. Searles*, 85 Miss. 520; see *State v. Central, etc., Ry. Co.*, 109 Ga. 716. But the case would seem to involve a questionable interpretation of legislation which specifies no exceptions to its clear mandate against monopoly.

**SALVAGE — SERVICES RENDERED TO SHIP IN DRY DOCK.** — The libellants rendered services to a vessel in dry dock by extinguishing a fire communicated to it from buildings on the land. *Held*, that they are not entitled to salvage. *The Jefferson*, 158 Fed. 358 (Dist. Ct., Va.).

The court maintained that fire from the land is not such a danger as to bring the libellants' services under the head of salvage, and that a ship in dry dock is not within the admiralty jurisdiction. In order to entitle rescuers to salvage the danger need not be a peril of the sea. It is well settled that if a ship tied to a wharf is in danger from fire on land, its rescue makes it liable for salvage. *The Kaiser Wilhelm der Grosse*, 106 Fed. 963. On the second point, however, the present case is one of novel impression. An ordinary dry dock is probably not the subject of admiralty jurisdiction, because not capable of navigation. *Cope v. Vallette Dry Dock Co.*, 119 U. S. 625. And it has been held that a ship in dry dock is not subject to a maritime lien for a tort. *The Warfield*, 120 Fed. 847. But the Supreme Court has decided, in an opinion broad enough to cover all maritime claims, that repairs furnished such a vessel are recoverable in admiralty. *Perry v. Haines*, 191 U. S. 17; see 17 HARV. L. REV. 186. This seems the better view, as the ship itself, though temporarily not in process of navigation, may readily be navigated.

**TAXATION — EXEMPTIONS — TAXATION OF LESSEE OF COLLEGE PROPERTY.** — By the provisions of the charter of a university, certain lands were to be exempt from taxation "as long as said lands belong to said university." The university granted portions of these lands to lessees, whose interests were taxed under a subsequent statute. *Held*, that such taxation is not a violation of the exemption granted by the original charter. *Jetton v. University of the South*, 208 U. S. 489. See NOTES, p. 617.

**TAXATION — GENERAL LIMITATIONS ON THE TAXING POWER — STATE TAXATION ON INTERSTATE COMMERCE.** — The plaintiff, a New York company, delivered goods in a New Jersey town in its own wagons. An ordinance required a license fee for all vehicles engaged in the transportation of merchandise. *Held*, that the plaintiff's wagons are engaged in interstate commerce and the ordinance is inapplicable. *Simpson-Crawford Co. v. Borough of Atlantic Highlands*, 158 Fed. 372 (Circ. Ct., D. N. J.). See NOTES, p. 618.

**TITLE, OWNERSHIP, AND POSSESSION — ARTICLES SUBJECT TO OWNERSHIP — RIGHT TO ARTISTIC CREATIONS.** — The plaintiff had several pictorial designs which he intended to copyright and sell for use in advertising. R secretly copied the designs and sold the copies to the defendant, who used them in ignorance of the plaintiff's claims. *Held*, that the defendant is liable in damages as well as subject to injunction. *Mansell v. Valley Printing Co.*, [1908] 1 Ch. 567.